IN THE UNITED STATES DISTRICT COURT MIDDLE DISTRICT OF GEORGIA MACON DIVISION

FRANK CHARLES MOORE,)
Petitioner,)
v.) CIVIL ACTION NO. 5:11-CV-155 (MTT)
BRIAN OWENS,	}
Respondent.) }
	<i>)</i>

ORDER

This matter is before the Court on the Recommendation of United States

Magistrate Judge Charles H. Weigle. (Doc. 24). The Magistrate Judge recommends

granting the Respondent's motion to dismiss because the Petitioner failed to file his

petition within the one-year period of limitations and failed to show adequate grounds for
equitable tolling.

The Petitioner filed an objection to the Recommendation. Pursuant to 28 U.S.C. § 636(b)(1), the Court has considered the objection and has made a de novo determination of the portions of the Recommendation to which the Petitioner objects.

The Court accepts and adopts the findings, conclusions, and recommendations of the Magistrate Judge. The Respondent's motion to dismiss is **granted**, and the petition is

¹ The Court notes that the Magistrate Judge calculated the period between November 26, 2007 and August 22, 2008 as totaling 280 days, when in actuality the total is 270 days. This minor error does not affect either the Magistrate Judge's Recommendation or this Court's adoption thereof. The Petitioner's federal petition was still untimely.

dismissed with prejudice. Furthermore, pursuant to the Magistrate Judge's Recommendation, a certificate of appealability is **denied**.

SO ORDERED, this 14th day of December, 2011.

S/ Marc T. Treadwell
MARC T. TREADWELL, JUDGE
UNITED STATES DISTRICT COURT